

REMARKS

Claims 5-10 and 23-25 are pending in this application. Claims 9, 10, 24, and 25 are allowed; claim 23 is objected to; and claims 5-8 are rejected. By the present amendment claims 5, 6, and 8 are amended. Support for the amendments are found on page 6, lines 14-15, page 13, lines 16-20, and elsewhere in the application. Accordingly, the amendments add no new matter.

In view of the above-described amendments and following remarks, reconsideration of claims 5-8 is respectfully requested.

Claim Objections

Claim 8 is objected to for lacking a space between "or" and "1". Applicants submit that the amendment to claim 8 overcomes the objection.

§112 REJECTIONS

Claims 6 and 7 remain rejected under §112, first paragraph, as failing to meet the written description requirement. (See Page 2 of The Office Action.)

In response to the suggestion from the Patent Office, Applicants have amended claim 6 to recite that the amino acid sequence encoded by the polynucleotide is at least "95%" identical to SEQ ID NO:2. Accordingly, applicants submit that the rejection of claim 6 should be withdrawn.

With respect to claim previously presented claim 7, applicants submit that this claim meets the written description requirement since claim 7 depends from claim 5 which also meets the written description requirement.

§ 102 REJECTIONS

Claims 5, 7, and 8 remain rejected under 35 USC 102 (b) as being anticipated by GenBank accession number AA687318 (24 December 1997).

Claim 5 has been amended to recite that the complementary polynucleotide has a nucleic acid sequence that is the complete complement of the nucleic acid sequence that encodes SEQ ID NO:2. Claim 8 has been amended to recite that the complementary sequence is

Appl. No. 9/972,032
Amdt. dated: April 23, 2008
Reply to Final Office Action of February 27, 2008

complementary to the entire nucleic acid sequence set forth in SEQ ID NO:1. Since GenBank accession number AA687318 does not disclose any of the sequences recited in claim 5 or claim 8, as amended, GenBank accession number AA687318 does not anticipate claim 5, claim 7, and claim 8.

In view of the amendments and remarks, applicants submit that, in addition to claims 9, 10, 24, and 25, claims 5-8 and 23 are also now in condition for allowance. Prompt notice of such allowance is respectfully requested. If there are any questions regarding the amended claims, the Examiner is encouraged to contact Pamela A. Docherty, an attorney of record for this application, at (216) 622-8416.

Respectfully submitted,

Date: April 23, 2008

By: Pamela A. Docherty
Pamela A. Docherty, Reg. No. 40,591
(216) 622-8416